10th September 1958]

APPENDIX II.

[Vide answer to starred question No. 150-J asked by Sri P. G. Manickam at the meeting of the Legislative Assembly held on 10th September 1958, page 515 supra].

	Name of district.	*Number of persons sentenced to death.*		*Number of persons sentenced to imprisonment for life.*	
		1957.	1958 (*up to April* 1958).	1957.	1958 (*up to April* 1958).
1	Coimbatore (includes Nilgiris also).	24	11	53	10
2	Tiruchirappalli	10	2	8	4
3	Salem	12	3	25	7
4	Tanjore	7	2	13	3
5	Madurai	16	9	37	4
6	South Arcot	6	Nil.	6	Nil.
7	North Arcot	2	1	7	6
8	Chingleput	1	1	3	2
9	Madras	Nil.	Nil.	3	1
10	Tirunelveli	26	4	21	10
11	Ramanathapuram	13	5	39	11
12	Kanyakumari	3	Nil.	5	Nil.
	Total ..	120	38	220	58

APPENDIX III.

[Vide item VI (1) on page 520 supra.]

THE MADRAS INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) BILL, 1958 (L.A. BILL No. 19 OF 1958).

COMPOSITION OF THE SELECT COMMITTEE.

CHAIRMAN.

Hon. Sri R. VENKATARAMAN, *Minister for Industries.*

MEMBERS.

Sri S. A. M. ANNAMALAI.

Sri D. DASARATHAN.

Sri T. T. DANIEL.

Srimathi HEMALATHA DEVI.

Sri V. K. KOTHANDARAMAN.

Sri P. G. KARUTHIRUMAN.

Srimathi RAJATHI KUNJITHAPATHAM.

Sri S. LAZAR.

Sri K. SATTANATHA KARAYALAR.

Sri J. MADA GOWDER.

Sri S. PAKKIRISAMI PILLAI.

Sri P. URKAVALAN.

Sri K. RAMACHANDRAN.

Sri M. P. SARATHY.

[10th September 1958

REPORT OF THE SELECT COMMITTEE ON THE MADRAS INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) BILL, 1958 (L.A. BILL No. 19 OF 1958).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958), has the honour to make the following report.

2. The Bill was published in English in Part IV-A of the *Fort St. George Gazette*, dated the 25th June 1958, and in Tamil in the *Fort St. George Gazette*, dated 2nd July 1958.

3. The Select Committee was appointed by a resolution of the Assembly, dated the 3rd September 1958, with direction to the Committee to present the report before the 10th September 1958.

4. The Select Committee met in the Committee Room, Legislators' Hostel (Old), Government Estate, Madras, on the 6th September 1958. The Committee has subjected the clauses of the Bill to a detailed scrutiny and as a result thereof made the following changes in them :—

Clause 3.—The proviso to this clause provides that 1st May shall be declared as one of the five festival holidays by the employer if the majority of the employees so desire. As this implies the consent of the employer also, the Select Committee has suitably amended the proviso making it obligatory on the part of the Inspector to prescribe 1st May as one of the five festival holidays under clause 3 if the majority of the employees so desire.

Clause 5.—In view of the amendment of the proviso to clause 3, a consequential amendment to the proviso to item 2 in sub-clause 3 has been made.

A copy of the Bill as amended and approved by the Committee is annexed.

The Committee considers that the changes made by it are not of such important character as to require the republication of the Bill.

The dissenting minute given by a member is appended.

R. VENKATARAMAN,
Chairman.

FORT ST. GEORGE,
MADRAS-9,
6th September 1958.

ANNEXURE.

[*Note.*—**The changes made are sidelined or underlined and the portions omitted are indicated by dots**].

L.A. BILL No. 19 OF 1958.

A Bill to provide for the grant of National and festival holidays to persons employed in industrial establishments in the State of Madras.

WHEREAS it is expedient to provide for the grant of National and festival holidays to persons employed in industrial establishments in the State of Madras.

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Industrial Establishments (National and Festival Holidays) Act, 1958.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " day " means a period of twenty-four hours beginning at midnight;

(*b*) " employee " means—

(i) any person (including an apprentice) employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied ;

(ii) any other person employed in any industrial establishment whom the Government may, by notification, declare to be an employee for the purposes of this Act;

(*c*) " employer " when used in relation to an industrial establishment means a person who has the ultimate control over the affairs of the industrial establishment, and where the affairs of any industrial establishment are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person ;

(*d*) " Government " means the State Government:

(*e*) " industrial establishment " means,—

(i) any establishment as defined in clause (6) of section 2 of the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947);

(ii) any factory as defined in clause (*m*) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948), or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act;

(iii) any plantation as defined in clause (*f*) of section 2 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951);

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(iv) any other establishment which the Government may, by notification, declare to be an industrial establishment for the purposes of this Act;

(*f*) "Inspector" means an Inspector appointed under sub-section (1) of section 6;

(*g*) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment, and includes—

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to;

(ii) the value of any house accommodation; or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

but does not include—

(*a*) any bonus;

(*b*) any contribution paid or payable by the employer to any pension fund or provident fund, or for the benefit of the employee under any law for the time being in force;

(*c*) any gratuity payable on the termination of his service;

(*d*) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment;

(*e*) any travelling concession.

3. *Grant of National and festival holidays.*—Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January and the 15th August and five other holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any industrial establishment:

Provided that, if the majority of the employees so desire . . . the 1st May shall be one of the five festival holidays aforesaid.

4. *Employer to send statement to Inspector.*—Every employer shall send to the Inspector having jurisdiction over the area in which the industrial establishment is situated, and display in the premises of the industrial establishment, a statement showing the holidays allowed in each calendar year under section 3, in such form, within such time and in such manner as may be prescribed.

5. *Wages.*—(1) Notwithstanding any contract to the contrary, every employee shall be paid wages for each of the holidays allowed to him under section 3.

(2) Where an employee works on any holiday allowed under section 3, he shall, at his option, be entitled to—

(*a*) twice the wages; or

(*b*) wages for such day and to avail himself of a substituted holiday with wages on any other day.

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(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an employee who is paid wages by the day or at piece rates shall be entitled to be paid wages for any holiday allowed under section 3—

(i) only at a rate equivalent to the daily average of his wages for the days on which he actually worked during the week immediately preceding such holiday;

(ii) where he works on any such holiday, only at twice the rate mentioned in clause (i), or in lieu thereof, at the rate mentioned in that clause and to avail himself of a substituted holiday with wages at that rate on any other day:

Provided that no such employee shall be entitled to be paid any wages for any of the . . . holidays . . . . allowed under section 3, other than the 26th January and the 15th August, if he has not completed a period of thirty days' continuous service immediately preceding such holiday.

Explanation.—For the purpose of this proviso, a weekly or any other holiday or authorized leave availed of by an employee shall be included in computing the period of thirty days mentioned therein.

6. *Inspectors.*—(1) The Government may, by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act for such local limits as the Government may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

7. *Powers of Inspectors.*—Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which has reason to believe is, an industrial establishment;

(*b*) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise, the evidence of such person as he may deem necessary for carrying out the purposes of this Act;

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

8. *Penalties.*—Any employer who contravenes any of the provisions of section 3 or section 5 shall be punishable with fine which for the first offence, may extend to twenty-five rupees and for a second and subsequent offences may extend to two hundred and fifty rupees.

9. *Penalty for obstructing Inspector.*—Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand in writing by an Inspector any register, record or notice in his custody which may be required to be kept in pursuance of this Act or of any rule made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

10. *Exemptions.*—(1) Nothing contained in this Act shall apply to—

(*a*) any employee in a position of management;

(*b*) any employee whose work involves travelling;

(*c*) any industrial establishment under the control of the Central or any State Government, local authority, Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of Article 366 of the Constitution or a cantonment authority; or

(*d*) any mine or oil field.

(2) The Government may, by notification, exempt either permanently or for any specified period any establishment or class of establishments, or person or class of persons from all or any of the provisions of this Act, subject to such conditions as the Government may deem fit.

11. *Rights and privileges under other laws, etc., not affected.*—Nothing contained in this Act shall affect any rights or privileges which any employee is entitled to, on the date on which this Act comes into force under any other law, contract, custom or usage, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

12. *Power to make rules.*—(1) The Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In making a rule under this Act, the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which it actually sits either in the same session or in more than one session.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

FORT ST. GEORGE,
MADRAS-9,
6th September 1958.

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APPENDIX.

DISSENTING MINUTE.

மத்திய சர்க்காரால் திட்டமிடப்பட்டுள்ள இரண்டாவது ஐந்தாண்டு அறிக்கையில் தொழிலாளர் நலன் சம்பந்தப்பட்ட கொள்கையில், சர்க்கார் நிறுவனங்களிலும், தனிநபர் நிறுவனங்களிலும் வேலை செய்யும் தொழிலாளர்களிடையே ஏற்றத் தாழ்வுகள் அகற்றப்படவேண்டும் என்றும்—அதற்கு இடமளிக்கக் கூடாதென்றும், சர்க்கார் நிறுவனங்களில் வேலை செய்யும் தொழிலாளர்கள் இதற்கு எடுத்துக்காட்டாக இருக்கவேண்டுமென்றும் சொல்லி இருக்கிறது.

ஆனல் இப்போது கொண்டுவரப்படும் விடுமுறை பில்லில், சர்க்கார் நிறுவனங்களில் வேலை செய்யும் தொழிலாளர்களுக்கு விதி விலக்கு கொடுக்கவேண்டுமென்று இருப்பது சரியல்ல. பல சிறிய தொழிற்சாலைகளில் பதிநான்கு நாட்கள் பண்டிகை நாட்கள் விடுமுறை ஏற்கெனவே பல ஆண்டு காலமாக கொடுத்துவரப்படுகிறது. ஷாப் சட்டப்படி முப்பத்திஆறு தினங்கள் கொடுக்கப்படுகிறது. ஆகையால் ஏழு தினங்களுக்குப் பதிலாக குறைந்தது பத்து தினங்களாவது கொடுக்கப்படவேண்டும்.

நமது ராஜ்யம் " சென்னை ராஜ்யம் " என்று சொல்லப்படுகிற தமிழ் நாடு ராஜ்யம் ஆகையாலும், எல்லா நடவடிக்கைகளையும் தமிழிலேயே நடத்தப்படவேண்டுமென்று ஏகமனதாக எல்லோராலும் ஒப்புக்கொள்ளப்பட்டுள்ளதாலும், தமிழ் வளர்ச்சி ஏற்படவேண்டுமென்பது எல்லோருடைய நோக்கமாக இருப்பதாலும், தமிழ் நாட்டிலுள்ள எல்லா மக்களிடையேயும் தமிழ் உணர்ச்சி ஏற்படவேண்டுமாகையாலும் தமிழ் வருடப் பிறப்பு தினத்தை—ஒரு தேசீய தினமாக கருதி விடுமுறை அளிக்கப்படவேண்டும்.

முன் மாதத்தில் முப்பது தினங்கள் வேலை செய்திருக்கவேண்டுமென்று இருப்பது விடுமுறை எடுக்க முடியாத அளவுக்கு பாதிக்குமாகையால் அதற்கு பதிலாக இருபது தினங்கள் என்று போடுவது நல்லதென என்னுடைய அபிப்பிராயத்தை வற்புறுத்தி தெரிவித்துக்கொள்ளுகிறேன்.

V. K. KOTHANDARAMAN.

MADRAS,
9th September 1958.